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Attorneys for Defendant  
 Berkeley Farms

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JOSE GARCIA,

Plaintiff,

VS.

BERKELEY FARMS, A CALIFORNIA  
 CORPORATION, LOCAL 853  
 OF THE INTERNATIONAL  
 BROTHERHOOD OF TEAMSTERS  
 AN UNINCORPORATED ASSOCIATION,

Defendants.

Case No. C08-03799 CW

**ORDER GRANTING  
 STIPULATION FOR DISMISSAL  
 WITH PREJUDICE PURSUANT  
 TO FRCP 41(A)(1)**

IT IS HEREBY STIPULATED by the parties to this action, through their designated counsel, that the above-captioned action be dismissed in its entirety with prejudice pursuant to FRCP 41 (a)(1), each party to bear its own fees and costs. This stipulation and order and the dismissal with

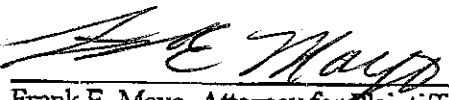
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1 prejudice shall not constitute or be deemed an admission of any kind of either party regarding the  
2 merits of this action

3 Dated: February 5, 2009

FRANK E. MAYO  
ATTORNEY AT LAW

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6 Frank E. Mayo, Attorney for Plaintiff  
7 Jose Garcia

8  
9 Dated: February 5, 2009

FISHER & PHILLIPS LLP

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11   
12 John E. Lattin, IV, Attorney for  
13 Defendant Berkeley Farms, LLC

